



US substance abuse policy

Effective: February 2004

Updated: August 2004

The BP US substance abuse policy provides the minimum standards US Business Units and Functional Units are required to follow. Business units/Functional Units may already have a policy in place that embodies or exceeds the minimum standards defined in this policy. In such cases, the policy issued by the Business Unit/Functional Unit will supercede this policy. This policy applies to all Business Units/Functional Units without a separately issued policy.

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1 Purpose of this policy

BP is committed to providing a safe and healthy workplace that enables employees to perform at their most productive levels. Consistent with that commitment, the Company has developed this policy regarding substance abuse and its effect on the workplace. The goal is to establish and maintain a work environment that is free from the adverse effects of drugs and alcohol.

This policy applies to all non-represented BP US employees excluding employees of Fabrics and Fibers. Non-BP employees performing work for BP on BP premises through a contract or third-party employer are expected to meet requirements comparable to those of this policy. When feasible, these requirements will be reflected in any written agreement between the Company and the contractor or third party providing leased workers.

The provisions of this policy will be applied so as to be consistent with applicable federal, state and local laws. If consistency cannot be obtained, state law will supercede.

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2 General policy statement

- (a) No employee shall manufacture, distribute, dispense, possess or use prohibited substances while on the job or on Company premises.
- (b) No employee shall report to work, be on the job or be on Company premises under the influence of prohibited substances.
- (c) No employee shall test positive for the presence of prohibited substances in amounts equal to or exceeding the cut-off levels adopted by the Company.
- (d) No employee shall refuse to undergo a prohibited substance test required by this policy, including but not limited to the following:
 - ▶ Failure to remain until the process is completed;
 - ▶ Failure to provide a proper specimen;
 - ▶ Refusal to permit direct observation if required;
 - ▶ Failure to provide a sufficient or adequate specimen (without medical explanation);
 - ▶ Failure to appear for testing (including within a reasonable time);
 - ▶ Refusal to undergo a medical examination when directed for shy bladder or shy lung;
 - ▶ Failure to cooperate with any part of the testing process including, if requested, signature of required forms or refusal to empty pockets;
 - ▶ Failure to submit to a re-collection or retesting when required; or
 - ▶ Submission of a specimen that the Medical Review Officer (MRO) verifies as adulterated or substituted.
- (e) Prohibited substances are defined as: (i) any alcoholic beverage, the use of which is not authorized by the Company, (ii) any substance that an individual may not manufacture, distribute, dispense, possess or use under U.S. law and the laws of the state in which the individual is employed or is working, and (iii) any otherwise legal but illicitly-used substances, including prescription drugs obtained without proper medical authorization, and prescribed drugs, over-the-counter drugs, THC-containing substances, and other substances not being used for their intended purposes. The MRO shall determine what constitutes illicit use.
- (f) An employee must notify BP Health Services or other applicable health services provider, or when Health Services is not readily accessible, his/her supervisor or Human Resources contact, when he/she is taking any prescription or non-prescription medicine or any other substance that he/she believes may impair his/her judgment or performance or otherwise adversely affect the normal functions of his/her mental faculties or physical abilities. Health Services (or the applicable health services provider) will determine whether, and to what extent, to restrict the employee's work activities.
- (g) Should an employee test positive on a prohibited substance test, refuse to undergo a prohibited substance test, and not be terminated from employment, the employee will be referred to a Substance Abuse Professional (SAP) for a clinical assessment and determination whether rehabilitation is necessary. (An SAP may be available through an Employee Assistance Program (EAP).) Employees are required to follow any recommended rehabilitation program as a condition of continued employment including prohibited substance testing in addition to testing otherwise required by this policy.
- (h) All discussions with the SAP, EAP or rehabilitation counselors are confidential and will not become part of an employee's employment file but will become part of the employee's confidential file maintained by BP Health Services (or the applicable health services provider). Counselors and physicians will discuss an employee's substance use with management only to the extent necessary to ensure workplace and employee safety or if required by law. If an employee needs time off from work for treatment or is not fit to return to unrestricted duty following treatment, the SAP/EAP will consult with a BP-authorized health services representative, who will advise management of medical restrictions or need for a medical leave, not revealing the reason for such actions.
- (i) The Company reserves the right to report known illegal activity to law enforcement authorities.

3 Government regulations

Within the United States, locations with federal agency contracts in excess of \$25,000 covered by the Drug-Free Workplace Act of 1988 must promulgate the following Drug-Free Workplace Act Policy Statement:

- (a) BP is committed to providing a drug-free workplace. Drug and alcohol use in the workplace is a threat to the safety and health of our employees, and it jeopardizes the efficiency of our operations and it impacts the quality of our products.
- (b) For these reasons, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on Company premises is prohibited. Further, employees must notify the Human Resources Department of any criminal drug statute conviction for a violation occurring on Company premises not later than five (5) days after the conviction. Any employee so convicted will be subject to sanctions, including satisfactory participation in a drug abuse assistance or rehabilitation program.
- (c) Pursuant to the Drug-Free Workplace Act of 1988, compliance with this policy is specifically made a condition of employment with BP. An employee who violates this policy will be subject to disciplinary action, up to and including discharge.
- (d) Employees who believe they may have a drug abuse problem are urged to contact the Company's Employee Assistance Program (EAP), Human Resources, or Health Services to obtain information regarding the Company's available EAP and rehabilitation programs.
- (e) When an employee notifies management of a conviction under any criminal statute for a violation occurring in the workplace, or management learns of such a conviction, local management has ten (10) days to notify the federal contracting agency. Failure to notify the appropriate agency may result in termination, debarment, or suspension of the contract.

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4 Training

Training for supervisors will be made available; supervisors have an obligation to seek timely and appropriate training on their responsibilities under this policy to include identification of signs indicating the appropriateness of reasonable suspicion testing. All employees will receive appropriate substance abuse awareness education as well as information concerning their obligations under this policy.

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5 Self-referral

Substance abuse impacts individual health and safety. The Company encourages employees to utilize the benefits and resources available to gain the assistance they may need for substance abuse problems including, as available, self-referral to the EAP for assessment. Self-referral will not mitigate any disciplinary action the Company takes in response to any employee violation of this policy.

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6 Inspections

The Company will conduct inspections to the extent the Company considers necessary to ensure compliance with this policy. Generally, inspections will be conducted without any prior announcement, and may be conducted outside the presence of the employee. However, inspections of an employee's personal effects will be conducted in the presence of the employee when possible. Entry onto any BP property or facility, including parking areas, is deemed consent to an inspection that may include, but is not limited to, person, vehicle, and personal effects at any time while entering, on, or leaving the property or facility, as well as off-Company premises while engaged in Company business.

Submission to Company inspections is a condition of employment. Employees who refuse to cooperate with Company inspections conducted pursuant to this policy shall not be forcibly inspected, but will be suspended without pay for whatever time is necessary for the Company to investigate the matter and determine if any disciplinary action, up to and including discharge, will be taken.

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7 Prohibited substance testing

The Company will conduct applicant and employee testing as required by federal or state law including, where applicable, testing required by any government agency. In addition to testing mandated by law and as allowed by law, in accordance with this policy, the Company may conduct the following types of testing:

- ▶ Pre-placement testing,
- ▶ Pre-promotion testing,
- ▶ Reasonable suspicion testing,
- ▶ Post-accident/incident testing,
- ▶ Random testing,
- ▶ Return-to-work testing;
- ▶ Follow-up testing after a positive prohibited substance test,
- ▶ Return from leave of absence testing, and
- ▶ Unannounced testing of employees at a work site of critical safety-sensitivity or where there is reasonable suspicion of non-individualized prohibited substance use.

Except as otherwise stated, all prohibited substance testing will be conducted using collection, documentation, chain-of-custody and testing methods consistent with Substance Abuse and Mental Health Services Administration (SAMHSA) standards. Hair testing methodology may be used for pre-placement testing and may be used for other testing with appropriate senior management authorization. On-site screening devices (such as Point of Collection Screening Devices) approved by BP Health Services may be utilized in addition to or in lieu of more traditional specimen collection or screening.

Unless otherwise established in an applicable substance abuse policy, prohibited substance testing will include the same substances and testing cutoff levels as under DOT regulations and/or Department of Health and Human Services (DHHS). However, BP reserves the right to change the substances for which it tests and/or cutoff levels, as warranted by relevant considerations, including changes in the prevalence of drugs abused and changes in the technology of substance abuse testing. (Refer to the Addendum for Substances and Testing Levels.)

Confidentiality of test results Test results and related information will not be released to anyone other than members of Company management, and the employee or applicant unless: (1) the employee or applicant requests, in writing, that the Company (or its third party agents) release the information to another party, (2) the Company (or its third party agents) is ordered by a court of competent jurisdiction to release the information, (3) a state or federal government entity having proper authority requests the information be released, or (4) as otherwise required by law.

(a) Pre-placement testing

All applicants for employment who have received conditional employment offers, with the exception of retail at-site non-management hourly employees, must submit to pre-placement prohibited substance testing no sooner than 60 days prior to planned placement. Prior to this testing, the applicant shall have completed all of the customary prerequisites for employment, except for completion of a Company pre-placement medical examination, if required.

BP will not hire an applicant who tests positive on a pre-placement prohibited substance test. A refusal to undergo pre-placement prohibited substance testing will automatically disqualify the applicant from further consideration for employment. Applicants denied employment because of a positive substance test will be eligible to reapply after twelve (12) months from the date of prohibited substance testing from which a positive test resulted.

During the hiring process, the hiring manager shall not discriminate against an applicant who volunteers information regarding a past substance abuse problem, as long as the applicant is no longer using prohibited substances, can successfully pass a prohibited substance test prior to employment, and is otherwise qualified for the position.

(b) Pre-promotion testing

Pre-promotion prohibited substance testing is required for retail marketing at-site employees being promoted to a retail at-site management position or to any non-at-site position. While other business units/functional units may require similar testing, the following provisions apply only to the retail marketing business.

During the selection process, the hiring manager shall not discriminate against an applicant who volunteers information regarding a past substance abuse problem, as long as the applicant is no longer using prohibited substances, can successfully pass the pre-promotion prohibited substance test, and is otherwise qualified for the position.

When such testing is required, the internal applicant must successfully pass the test prior to being placed in the new position. An internal applicant who tests positive on a pre-promotion test will not be permitted to move into the new position but will be allowed to retain his/her current position. However, he/she will be immediately placed on a minimum one-week suspension without pay and referred to an Employee Assistance Program (EAP) for assessment including, if necessary, referral to an SAP. An employee who refuses to meet with an EAP counselor or who refuses to complete a treatment plan, if required, will have his/her employment with BP terminated.

An employee who cooperates with the assessment process and, if required, with a treatment plan, will be returned to his/her current position after the suspension and after he/she tests negative on a follow-up prohibited substance test(s). The employee must complete the prohibited substance test(s) within thirty (30) days of the initial positive test. The return-to-work test must be negative for the employee to return to work.

The employee will be subject to twelve (12) months of unannounced prohibited substance testing to ensure that he/she remains substance free. The 12-month period begins with the date of the pre-promotion positive test result. If the employee tests positive on a test during this period, his/her employment with BP will be terminated. If the employee tests negative on all such tests, the employee will become eligible for future promotion opportunities at the end of the testing period.

(c) Reasonable suspicion testing

When any supervisor or manager believes, through specific, objective and articulable facts and reasonable inferences, that an employee is using or has used drugs or alcohol in violation of this policy, the supervisor or manager will require the employee to submit to a fitness-for-duty evaluation and a prohibited substance test. The employee will be temporarily removed from his/her position pending the Company's receipt of test results.

(d) Post-accident/incident testing

Following a non-minor work-related accident/incident, the employee must submit to prohibited substance testing when the employee's conduct either contributed, or cannot be completely discounted as a contributing factor, to the accident/incident. Testing will occur within a maximum of eight hours for alcohol and within 32 hours for other substances. Delayed testing may be considered for drugs only, if circumstances exist which do not allow for testing within these timeframes. The employee will be temporarily removed from his/her position until the test results are complete.

(e) Random testing

A business unit/functional unit may implement random testing as it deems necessary. The random testing selection process will be administered using a selection procedure accepted in the statistical and epidemiological communities.

Employees covered by one or more Department of Transportation (DOT) or other government random testing programs, may still be required to participate in a random testing program under this policy.

(f) Return-to-work testing after a positive prohibited substance test

Before a business unit/functional unit permits an employee to return to work after a positive prohibited substance test, the individual must undergo Return-to-Work testing, the contents of which (e.g., drug, alcohol or both) will be determined by the SAP. Treatment may be required. If the SAP determines that no treatment is necessary, the employee must complete the prohibited substance test within thirty (30) days of the initial positive test. This Return-to-Work test must be negative for the employee to return to work. If an employee tests positive under a Return-to-Work test, it will be treated as a second positive under this policy.

(g) Follow-up testing

Once returned to work following a positive prohibited substance test, the employee is subject to unannounced follow-up prohibited substance testing for a minimum of two (2) years with a minimum frequency of six (6) tests per year. (This section does not apply to 7(b) Pre-Promotion testing as it pertains to retail at-site employees.)

(h) Return from leave of absence testing

A business unit/functional unit may implement required prohibited substance testing for all employees returning to work following a leave of absence of a preestablished minimum length of not less than 60 days. When such a rule has been implemented, covered employees must test negative before returning to work.

(i) Testing mandated by law

Employees who are determined by the Company to be in occupations that fall within the scope or authority of prohibited substance testing regulations issued by United States federal agencies will be subject to the procedures mandated by those regulations. To the extent they supplement and do not conflict with applicable government regulations, BP's policy and procedures will also be followed in order to establish a comprehensive substance abuse program for these employees.

In those states which have statutory or other limitations on prohibited substance testing, disciplining employees for job-related prohibited substance use or other aspects of this policy and procedures, the Company will comply with all such limitations, either by preparing separate policies and procedural guidelines, or by implementing appropriate modified practices.

(j) Site/Location Unannounced Testing

All employees or a group of employees who work at a particular site or location, such as an offshore platform, onshore drilling site or a retail service station, may be tested on an unannounced basis if local management deems operations to be of a critical safety sensitive nature and/or in circumstances where specific, objective and articulable facts and reasonable inferences indicate prohibited substance use may have occurred that can not be attributed to a particular individual employee.

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8 Results

If the results of a prohibited substance test are negative (including negative results from a Point of Collection Screening Device), no further testing is necessary. If the employee had been suspended pending results of the test, the employee may be returned to regular duty, if otherwise deemed fit for duty. If a prohibited substance test result from a Point of Collection Screening Device is non-negative, the specimen will be submitted for regular laboratory testing.

(a) Medical Review Officer (MRO) Process Upon receipt of a positive prohibited substance test result, an MRO, following appropriate professional standards and procedures, will review and interpret the result. Following the MRO's review, he/she will report the test result to the Designated Employer Representative (DER) who will advise appropriate Human Resources management of any non-negative result.

Note: Generally, the MRO process is not used to evaluate alcohol test results.

(b) Alcohol Test Results

Except as defined otherwise through required DOT or other government random testing programs, alcohol test results will be treated as follows.

An employee who has an initial alcohol test result of at least .02 but less than .04 alcohol concentration will be removed from duty for the remainder of the shift or his/her workday.

Any employee who has a second occurrence of an alcohol test result of at least .02 but less than .04 alcohol concentration will be removed from duty and referred to an SAP for a clinical assessment and determination whether rehabilitation is necessary. If the SAP determines that no treatment is necessary, the employee must undergo another alcohol test before returning to work. This second test must be negative for the employee to return to work.

Once returned to work, such employees are subject to follow-up prohibited substance testing for a minimum of two (2) years. A test result of .02 or greater on follow-up alcohol testing will be treated as a positive result.

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9 Disciplinary Implications

Any employee who violates this policy, including but not limited to a positive prohibited substance test result, is subject to discipline, up to and including termination of employment.

Employment will be terminated for any employee who tests positive a second time for prohibited substances on any test. Disciplinary action related to other violations will be determined by the business unit/functional unit and may include a required rehabilitation program as a condition of continued employment. A business unit/functional unit may terminate employment for any employee with an initial positive prohibited substance test.

This policy does not vitiate any prior discipline or prior positive prohibited substance test received by an employee under any other policy.

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Addendum

Substances and Testing Levels*

Breathalyzer			
Substance	Testing	Screening Cutoff	Confirmation Cutoff**
Alcohol	Initial Test	.02 gm/210L	.04 gm/210L
**Refer to Section 8(b) of policy			

Urinalysis			
Substance	Screening Cutoff	Specific Substance	Confirmation Cutoff
Amphetamines	1000 ng/ml		500 ng/ml
Cannabinoids	50 ng/ml		15 ng/ml
Cocaine Metabolites	300 ng/ml		150 ng/ml
Opiates	2000 ng/ml	Opiates	2000 ng/ml
		Morphine	2000 ng/ml
		Codeine	2000 ng/ml
		6-Acetylmorphine	10 ng/ml
Phencyclidine	25 ng/ml		25 ng/ml

Hair Analysis			
Substance	Screening Cutoff	Specific Substance	Confirmation Cutoff
Marijuana (THC)	2 ng/gm	Marijuana Metabolite	1 pg/10mg
Cocaine	5 ng/10mg	Cocaine Parent	5 ng/10mg
		Benzoyllecognine	.25 ng/10mg
		Cocaethylene	0.5 ng/10mg
Opiates	2 ng/10mg	Norcocaine	0.5 ng/10mg
		Morphine	2 ng/10mg
		Codeine	2 ng/10mg
		6-Acetylmorphine	2 ng/10mg
Phencyclidine	3 ng/10mg	Phencyclidine	3 ng/10mg
Amphetamines	5 ng/10mg	Amphetamine	5 ng/10mg
		Methamphetamine	5 ng/10mg
		MDMA/MDA	5 ng/10mg
		MDEA	5 ng/10mg

*BP reserves the right to change the substances for which it tests and/or cutoff levels.

BP reserves the right to unilaterally amend, change, modify, delete, replace or add to the statements in this policy, at any time, with or without prior notice. BP also reserves the right to interpret the provisions of this policy, and such interpretations will be final and binding. In addition, not every situation can be anticipated in written policies, guidelines and/or procedures, and the facts surrounding any situation can require discretionary judgments by appropriate levels of management. This policy is not intended to create, nor does it create, any express or implied contractual rights in any person. Unless he/she has entered into an express written agreement signed by an authorized company representative, each employee of BP is an "at-will" employee. Just as any at-will employee may terminate his/her employment at any time and for any reason, BP may terminate any at-will employee at any time, with or without cause, and with or without prior notice. This policy does not represent a contract, or an offer to form a contract, and does not create any binding contractual commitments between an employee and BP regarding any subject, and does not alter or limit the at-will employment status of BP employees. Should the Company modify this policy in any way, any positive prohibited substance test will remain active, and the Company reserves its full right to consider such a positive test result for disciplinary or other purposes.

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